

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.134

CR-2190-2024

Date of Decision: 15.04.2024

HARPREET KAUR AND OTHERS

...Petitioners

Versus

AMRITPAL SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. R.D. Rattewal, Advocate,
for the petitioners.

ARCHANA PURI, J. (Oral)

The petitioner has invoked the jurisdiction of this Court under Article 227 of the Constitution of India, to assail the order dated 15.01.2024 passed by learned Trial Court, whereby an application under Section 311 of C.P.C., filed at the instance of the petitioner, for recall of DW-1, Amritpal Singh (inadvertently mentioned as DW-2), was dismissed.

Heard.

During the pendency of the proceedings under Section 23 of the Protection of Women from Domestic Violence Act, 2005, the application was filed for recall of witness, Amritpal Singh, who is husband of the petitioner and vide the impugned order, while making observations with regard to the manner and the time already availed by the petitioners to conduct the cross-examination of Amritpal Singh, learned Trial Court had dismissed the application.

In the application for recall of the witness, Amritpal Singh,

copy whereof is Annexure P-2, it is stated that that due to oversight, some material questions could not be put in the cross-examination of Amritpal Singh. In the same, it is also mentioned that accused No.1 along with his grandmother, aunt Pritpal Kaur and uncle Jasbir Singh, desired to have a male child, but however, she had delivered a female child on 13.05.2009. The parents of the complainant have given a gold chain as customary gesture. In the application, there is also mention about the taunt given by the relatives of accused No.1, for not giving birth to male child.

Furthermore, there is also a mention made in the application about Simranjeet Kaur, having conceived for the second and she was forced to undergo gender determination test of the child, but however, she had refused to undergo the same.

On query by the Court, it is submitted by learned counsel that qua the aforesaid facts, as narrated in paragraph No.2 of the application, further cross-examination is required to be conducted. Thus, from the aforesaid fact situation, it is evident that witness, Amritpal Singh, who is husband of the petitioner, is intended to be recalled to confront him with the factual position, as asserted in paragraph No.2 of the application, meaning thereby, that all the aforesaid facts were in the knowledge of the petitioner, at the time when cross-examination of Amritpal Singh, was conducted. Perhaps, the further cross-examination does not relate to any fact, which came to the notice of the petitioners, after conducting of cross-examination of Amritpal Singh.

In the given circumstances, when the core facts, as narrated in the application (Annexure P-2), were already in the notice of the petitioners, at the time of conducting of cross-examination of Amritpal Singh, no further

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opportunity can be given, to conduct further cross-examination, more particularly, keeping in view the fact, as observed in the impugned order, about the examination-in-chief being conducted on 17.02.2023 and also about his cross-examination having completed on 01.08.2023.

In the light of the aforesaid fact situation, the impugned order warrants no interference, under the revisional jurisdiction of this Court.

Hence, the instant revision petition is hereby dismissed.

15.04.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No